

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 4:091. Buying and selling mounted wildlife specimens.

RELATES TO: KRS 150.010, 150.180, 150.411, 26 U.S.C. 501(c)(3)

STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.4111(1), 150.4112, 150.4113

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting wildlife. KRS 150.4111 authorizes licensed taxidermists to buy and sell legally taken inedible wildlife parts for the purpose of mounting. KRS 150.4112 authorizes the department to promulgate administrative regulations which allow resident nonprofit 26 U.S.C. 501(c)(3) institutions to sell donated mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts. KRS 150.4113 authorizes the department to promulgate administrative regulations to allow the sale and purchase of mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts. This administrative regulation establishes the requirements for the buying and selling of mounted wildlife specimens.

Section 1. Definitions. (1) "Deer" means *Odocoileus virginianus*.

(2) "Elk" means *Cervus elaphus nelsoni*.

(3) "Wild turkey" means *Meleagris gallopavo sylvestris*.

(4) "Black bear" means *Ursus americanus*.

(5) "Bobcat" means *Lynx rufus*.

Section 2. (1) A mounted wildlife specimen purchased from or sold to a licensed taxidermist pursuant to KRS 150.4111 shall be exempt from the requirements of this administrative regulation.

(2) A mounted wildlife specimen may be bought or sold by any person or entity, except as prohibited by federal law.

(3) A nonprofit charitable, religious, or educational institution, which has qualified for exemption pursuant to 26 U.S.C. 501(c)(3) may sell mounted wildlife specimens if the mounts have been donated, except as prohibited by federal law.

(4) Prior to selling a mounted wildlife specimen of a species established in paragraphs (a) through (e) of this subsection, the seller shall first obtain a registration number from the department by completing the online registration process on the department's Web site at fw.ky.gov for each mounted specimen of:

(a) Black bear;

(b) Bobcat;

(c) Deer;

(d) Elk; or

(e) Wild turkey.

(5) Prior to selling a mounted wildlife specimen of a species established in subsection (4) of this section, the seller shall affix the registration number to the mount in a clear and legible manner.

(6) A department registration number shall be required for each sale of a mounted wildlife specimen established in subsection (4) of this section.

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: October 21, 2021

FILED WITH LRC: October 26, 2021 at 2:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022 at 10:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through January 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes the requirements for the buying and selling of mounted wildlife specimens.

(b) The necessity of the administrative regulation: The regulation is necessary to establish rules to allow the sale and purchase of mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts as permitted by KRS 150.4112 and .4113.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.4112 and .4113 provide specific authority to regulate the sale and purchase of mounted wildlife specimens. KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting wildlife. KRS 150.4111 authorizes licensed taxidermists to buy and sell legally taken inedible wildlife parts for the purpose of mounting.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation sets out the specific rules for the buying and selling of mounted wildlife specimens as permitted by the statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How does the amendment conform to the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: All individuals or entities, except licensed taxidermists, buying or selling mounted wildlife specimens.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: There will be a minimal impact upon the entities as they will simply be required to complete paperwork prior to selling certain species of wildlife specimens.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: When selling mounted wildlife specimens of the species listed in Section 1, the seller will have to complete an online registration for each specimen and affix the registration number to the specimen prior to selling the specimen.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with this amendment save for the minimal costs associated with printing and affixing the registration numbers.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will benefit by the registration process as they will be able to better determine the age of the specimens and the geographic area from which the specimen originated.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no added cost to implement this administrative regulation initially.

(b) On a continuing basis: There will be no continuing added cost to implement this administrative regulation.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The Fish and Game Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. There will be no increase in fees or funding necessary.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This regulation does not establish and fees directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied as all applicable persons or entities are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1)(c), 150.4111(1), 150.4112, and 150.4113

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be minimal expenditures by the Department of Fish & Wildlife Resources and no expenditures for other governmental entities.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There will be minimal costs to administer this program for the first year as the electronic registration system is already in place.

(d) How much will it cost to administer this program for subsequent years? There will be minimal costs to administer this program for subsequent years as the registration process is online and generally will not require staff action.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: